App. F. IX-4

Previous References

1940
193 .
( )
Legis

File No. 2-40
Serial Nos. 102

Later References.

(13)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one

Part B for July 1941.

SUBJECT.

Amendments to Defence of India Rules 114, 97, 130A, 51B, 90B and 81

WD 0573—GPB—22,500—12-9-39

C. G. Vajravelu
15/7/1941

Amendments to Defence of India Rules

55
P. 940.

General and Revenue Secretariat | File No. | of 194 . | [App. F. III-2

Serial No.

From

The Secretary to the Hon'ble the Resident

7-3-40 /S d 18.6.41, 18.6.41 and 2-7-41

Forwards amendments to Defence of India Rules

The amendments are to rules 114 97, 130 A, 51 B, 90 B and 81.

As usual the notifications will be published in the supplement for general information.

Submitted for orders.

5-7-41

For approval

BKR
5.7.41

151
5/7.

Law Secy

Hon
2
7/7/41.

Done

BKR
7.7.41

Issued P.128 Legis. 2-40-102 d 8.7.41 to Compiler.

NOTE—Contn. Sheet.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

MEMORANDUM No. F.3-40/W.

Dated Bangalore, the 5 - 6 -194/.

The Defence of India Rules.

Attention is invited to notification by the Government of India, Defence Co-ordination Department, No.753-OR/41, dated the 10th May 1941, copy of which is enclosed.

for SECRETARY TO THE RESIDENT.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40/W, dated Bangalore, the 31st May 1941.

The following notification of the Government of India, Defence Co-ordination Department, No. 753-OR/41, dated the 10th May 1941, is republished.

P. M. RAMAN NAYAR,
for *Secretary to the Resident.*

GOVERNMENT OF INDIA.
DEFENCE CO-ORDINATION DEPARTMENT.
NOTIFICATION.

Simla, the 10th May 1941.

No. 753-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In the said Rules—

(1) in clause (*b*) of sub-rule (*1*) of rule 124, for the words " Is being used or is intended to be used " the words " has been, is being or is intended to be used " shall be substituted ;

(2) after sub-rule (*3*) of rule 124, the following sub-rule shall be added, namely :—

" (*4*) In this rule, and in rule 126, " place " includes a house, building, tent, vehicle and aircraft."

(3) in sub-rule (*1*) of rule 126,

(a) to clause (*a*) the following words, brackets, letter and figures shall be added, namely :—

" or any vehicle as defined in clause (*a*) of sub-rule (*1*) of rule 89 " ; and

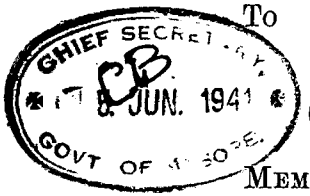
(b) in clause (*b*), after the word " prejudicial ", the words " to the efficient prosecution of war," shall be inserted.

A. DEC. WILLIAMS,
Secretary to the Government of India.

124 (8)—5-6-1941—20—RPB.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.



To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

MEMORANDUM No. F.3-40/W.

Dated Bangalore, the 4 · 6 · *1941*.

THE DEFENCE OF INDIA RULES.

Attention is invited to notification by the Government of India, Defence Co-ordination Department, No.765-OR/41, dated the 17th May 1941, a copy of which is enclosed.

for SECRETARY TO THE RESIDENT.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40/W, dated Bangalore, the 29th May 1941.

The following notification of the Government of India, Defence Co-ordination Department, No. 765-OR/41, dated the 17th May 1941, is republished.

P. M. RAMAN NAYAR,
for *Secretary to the Resident.*

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 17th May 1941.

No. 765-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 110 of the said Rules, for the words "entered into with an enemy firm, whether before or after the commencement of the Ordinance", the following shall be substituted, namely :—

> "entered into, whether before or after the commencement of the Ordinance, with a person or body of persons who at the time of such contract was, or subsequent to such contract became, an enemy as defined in rule 97 or an enemy subject or an enemy firm"

A. DEC. WILLIAMS,
Secretary to the Government of India.

124 (4)—3-6-1941—15—RPB.

Pol. 3116

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

MEMORANDUM No. F.3-40/W.

Dated Bangalore, the 18th June *1941*.

The Defence of India Rules.

Attention is invited to the Government of India, Defence Co-ordination Department notification No.838-O.R./41, dated the 31st May 1941 and corrigendum No.795-O.R./41, dated the 31st May 1941, copies of which are enclosed.

for SECRETARY TO THE RESIDENT.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40/W, dated Bangalore, the 14th June 1941.

The following notification and corrigendum issued by the Government of India, Defence Co-ordination Department, are republished.

P. M. RAMAN NAYAR,
for *Secretary to the Resident.*

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 31st May 1941.

No. 838-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 114 of the said Rules, after sub-rule (3A), the following sub-rule shall be inserted, namely—

"(3B) Where in pursuance of an order made under sub-rule (1) the assets of a company are vested in the custodian no proceedings, civil or criminal, shall be instituted under the Indian Companies Act, 1913, against the company or any director, manager or other officer thereof except with the consent in writing of the custodian."

A. DEC. WILLIAMS,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

CORRIGENDUM.

Simla, the 31st May 1941.

No. 795-OR/41.—In the notification of the Government of India in the Defence Co-ordination Department No. 795-OR/41, dated the 3rd May 1941, published at page 657 of the *Gazette of India,* Part I, dated the 3rd May 1941, for amendment I substitute—

'I. After clause (e) of rule 97, the following word and clause shall be inserted, namely :—

"or

(f) as respects any business carried on in enemy territory, any individual or body of persons (whether corporate or incorporate) carrying on that business".'

A. DEC. WILLIAMS,
Secretary to the Government of India.

161 (1)—18-6-1941—15—RPB.

Pol. 3117

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

7305 of 40 P

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

MEMORANDUM No. F.3-40/W.

Dated Bangalore, the 18th June 1941.

CHIEF SECRETARIAT
20 JUN 1941
GOVT. OF MYSORE.

Amendments to the Defence of India Rules.

Attention is invited to notifications by the Government of India, Defence Co-ordination Department, Nos.542-O.R./40,817-O.R./41 and 845-O.R./41, dated the 7th June 1941, copies of which are enclosed.

for SECRETARY TO THE RESIDENT.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40/W, dated Bangalore, the 16th June 1941.

The following notifications of the Government of India, Defence Co-ordination Department, Nos. 542-OR/40, 817-OR/41 and 845-OR/41, dated the 7th June 1941, are republished.

P. M. RAMAN NAYAR,
for *Secretary to the Resident.*

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 7th June 1941.

No. 542-OR/40.—In exercise of the power conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

for clause (a) of rule 130A of the said Rules, the following shall be substituted, namely :—

"(a) the prosecution has been given an apportunity to oppose the opplication for such release ; and"

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 7th June 1941.

No. 817-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

To sub-rule (1) of rule 88A of the said Rules, the words "or which is engaged in any such work as may be specified by the Central Government" shall be added.

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 7th June 1941.

No. 845-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 114 of the said Rules—

(a) in sub-rule (1) the words and figures "or a person who is an enemy as defined in rule 97", in both places where they occur, shall be omitted ;

(b) to sub-rule (3A) the following shall be added, namely :—

"and every reference to an enemy firm shall be construed as including a reference to a person who is an enemy as defined in rule 97."

A. DEC. WILLIAMS,
Secretary to the Government of India.

161 (2)—18-6-1941—15—RPB.

55 Pgs 40 of 11

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

MEMORANDUM No.F.3-40/W

Dated Bangalore, the 2nd July *1941.*

AMENDMENTS TO THE DEFENCE OF INDIA RULES.

Attention is invited to notifications by the Government of India, Defence Co-ordination Department, Nos.856-O.R/41, 860-O.R./41 and 709-O.R./41, dated the 14th June 1941, copies of which are enclosed.

for SECRETARY TO THE RESIDENT.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40/W, dated Bangalore, the 27th June 1941.

The following notifications of the Government of India, Defence Co-ordination Department, Nos. 856-OR/41, 860-OR/41 and 709-OR/41, dated the 14th June 1941, are republished.

P. M. RAMAN NAYAR,
for *Secretary to the Resident.*

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 14th June 1941.

No. 856-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For sub-rule (1) of rule 51B of the said Rules, the following sub-rule shall be substituted, namely :—

"(1) With a view to preventing the spread, or facilitating the extinction, of fire caused by hostile attack from the air, the Central Government or the Provincial Government may by order make provision for requiring the owners or occupiers of the premises to which the order applies to take such measures as may be specified in the order."

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 14th June 1941.

No. 860-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For sub-rules (3), (4), (5), (6) and (7) of rule 90B of the said Rules, the following sub-rule shall be substituted, namely :—

"(3) The restrictions imposed by sub-rule (2) on the export of money or gold shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly :

Provided that where in respect of any contravention of this rule the Customs-collector is of opinion that the penalties provided by the said Act are inadequate, he may make a complaint to a magistrate having jurisdiction ; and the accused person shall, upon conviction, be punishable with imprisonment for a term which may extend to five years or with fine or with both, and the money or gold in respect of which the offence has been committed shall be confiscated to the Central Government and delivered to the Customs-collector for disposal."

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 14th June 1941.

No. 709-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For sub-rule (3) of rule 81 of the said Rules, the following sub-rule shall be substituted, namely :—

"(3) If it appears to the Central Government that in the interests of the defence of British India or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole or any part of an existing undertaking, the Central Government may by order authorise any person (hereinafter referred to as an "authorised controller") to exercise, with respect to the undertaking or any part thereof specified in the order, such functions of control as may be provided by the order; and so long as an order made under this sub-rule is in force with respect to any undertaking or part of an undertaking—

(a) the authorised controller shall exercise his functions in accordance with any instructions given to him by the Central Government, so, however, that he shall not have power to give any directions inconsistent with the provisions of any Act or other instrument determining the functions of the undertakers except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller in accordance with the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions."

A. DEC. WILLIAMS,
Secretary to the Government of India.

223 (3)—30-7-1941—15—RPB.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P128 Legs 2-40-102 General and Revenue Secretariat,

Sec. 5

Dated Bangalore, 8th July June 1941.

NOTIFICATION.

The following notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order.

7/7/41

Secretary to Government,
Law Department.

BKR 5.7.41

To--The Compiler, Mysore Gazette for publication in Part IV and sending 100 spare copies to this office very early.

HMR/9.